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Case Number: \_\_\_\_\_

DBF 223

FILED

MAR 25 2008

CERTIFICATE OF FUNDS

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of JACKIE PRICE for the last six months

SEC DEPT OF CORRECTION [prisoner name]  
[name of institution] where (s)he is confined.

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 33.33 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.76.

Dated: 3/19/08

[Authorized officer of the institution]

Accountant  
Department of Correction

Resident Account Summary  
 Wednesday, March 19, 2008 @10:06

For PFN: DQE223 PRICE, JACKIE TEVIS

Date	Transaction Description	Amount	Balance	Owed	Held	Reference
03/19/2008	<INP> Payment for INP on 2008-0.	-2.20	54.74	0.00	0.00	
03/19/2008	<INP> Payment for INP on 2008-0.	-2.20	56.94	2.20	0.00	
03/19/2008	<INP> Payment for INP on 2008-0.	-0.86	59.14	4.40	0.00	
03/19/2008	DEPMO 0883631765	60.00	60.00	5.26	0.00	
03/10/2008	INP OID:100762004-ComisaryPur.	2.20	0.00	5.26	0.00	
03/03/2008	INP OID:100758972-ComisaryPur.	2.20	0.00	3.06	0.00	
02/25/2008	<INP> OID:100756020-ComisaryPur.	-0.24	0.00	0.86	0.00	
02/25/2008	INP OID:100756020-ComisaryPur.	1.10	0.24	1.10	0.00	
02/04/2008	EPR OID:100746963-ComisaryPur.	-24.80	0.24	0.00	0.00	
02/01/2008	DEPMO 08773820576	25.00	25.04	0.00	0.00	
01/21/2008	EPR OID:100741189-ComisaryPur.	-16.45	0.04	0.00	0.00	
01/14/2008	EPR OID:100738305-ComisaryPur.	-35.76	16.49	0.00	0.00	
01/10/2008	DEPMO 11426677086	25.00	52.25	0.00	0.00	
01/01/2008	DEPMO 08-773821161	25.00	27.25	0.00	0.00	
12/26/2007	EPR OID:100732153-ComisaryPur.	-22.75	2.25	0.00	0.00	
12/21/2007	INF OID:100729436-ComisaryRefi	1.10	25.00	0.00	0.00	
12/20/2007	<INP> Payment for INP on 2007-1.	-1.10	23.90	0.00	0.00	
12/20/2007	DEPMO 08773821122	25.00	25.00	1.10	0.00	
12/19/2007	INP OID:100729436-ComisaryPur.	1.10	0.00	1.10	0.00	
12/05/2007	DEPCA INITIAL DEPOSIT - REINSTA'	0.00	0.00	0.00	0.00	
09/27/2007	RELCASH RELEASE OR CLOSEOUT TRANS;	0.00	0.00	0.00	0.00	
09/26/2007	DEPCA INITIAL DEPOSIT - REINSTA'	0.00	0.00	0.00	0.00	
08/30/2006	WARRANT INM RELEASE OR CLOSEOUT TRANS;	-288.00	0.00	0.00	0.00	
08/30/2006	WCASH ELM RELEASE OR CLOSEOUT TRANS;	-20.00	288.00	0.00	0.00	
08/29/2006	DEPCA INITIAL DEPOSIT - REINSTA'	308.00	308.00	0.00	0.00	
01/31/2006	WARRANT INM RELEASE OR CLOSEOUT TRANS;	-21.11	0.00	0.00	0.00	
01/31/2006	WCASH MJ RELEASE OR CLOSEOUT TRANS;	-10.00	21.11	0.00	0.00	
01/31/2006	DEPCA INITIAL DEPOSIT - REINSTA'	31.11	31.11	0.00	0.00	
08/04/2004	WCASH MJ RELEASE OR CLOSEOUT TRANS;	-2.00	0.00	0.00	0.00	
08/03/2004	DEPCA BOOKING CASH	2.00	2.00	0.00	0.00	
08/03/2004	DEPCA BOOKING	0.00	0.00	0.00	0.00	

*Jackie Jones 606-251-1000*  
*101 S. HIBEL*  
*MILPITAS CALIF 95025*

**FILED**  
MAR 27 2008  
RICHARD W. INTERMONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**BUSINESS REPLY MAIL**

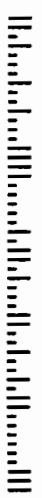
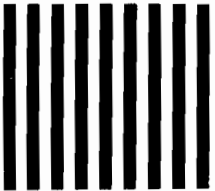
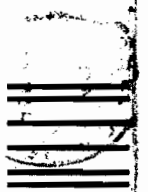
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PO BOX 36060  
SAN FRANCISCO CA 94102-9680

**COUNTRY MAIL**  
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NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



550 New

## COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name Price Jackie  
 (Last) (First) (Initial)

Prisoner Number DQE223

Institutional Address 701 South ABEI Street  
Milpitas, CA 95035

FILED

FEB 25 2008

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Jackie Price  
 (Enter the full name of plaintiff in this action.)

vs.

San Jose Police  
Department and  
officers  
 (Enter the full name of the defendant(s) in this action))

CV 08

1118

Case No. \_\_\_\_\_  
 (To be provided by the clerk of court)

COMPLAINT UNDER THE  
 CIVIL RIGHTS ACT,  
 42 U.S.C §§ 1983

E-filing

PJH  
(PR)

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement EIMWOOD JAIL MILPITAS

B. Is there a grievance procedure in this institution?

YES ☒ NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ( ) NO ☒

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

- 1 -

008-1118 PJH

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL  
FILED

FEB 25 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Dear Sir or Madam:

Your complaint has been filed as civil case number **CV 08 1118**

A filing fee of \$350.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee, but it will be taken out of income to your prisoner account in installments.

Your complaint is deficient because you did not pay the filing fee and:

1. \_\_\_\_ you did not file an In Forma Pauperis Application.
2. ☒ the In Forma Pauperis Application you submitted is insufficient because:

\_\_\_\_ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

\_\_\_\_ Your In Forma Pauperis Application was not completed in its entirety.

\_\_\_\_ You did not sign your In Forma Pauperis Application.

\_\_\_\_ You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

☒ You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

\_\_\_\_ Other \_\_\_\_\_

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

**Warning: YOU MUST RESPOND TO THIS NOTICE.** If you do not respond within **THIRTY DAYS** from the filing date stamped above, your action will be **DISMISSED**, the file closed and the entire filing fee will become due immediately. Filing a prisoner's In Forma Pauperis Application will allow the court to determine whether installment payment of the filing fee should be allowed.

Sincerely,  
RICHARD W. WIEKING, Clerk,

By  Deputy Clerk



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**INSTRUCTIONS FOR PRISONER'S  
IN FORMA PAUPERIS APPLICATION**

You must submit to the court a completed Prisoner's In Forma Pauperis Application if you are unable to pay the entire filing fee at the time you file your complaint or petition. Your application must include copies of the prisoner trust account statement showing transactions for the last six months and a certificate of funds in prisoner's account, signed by an authorized officer of the institution.

**A. Non-habeas Civil Actions**

Effective April 9, 2006, the filing fee for any civil action other than a habeas is \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the full amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C. § 1915.

You must pay an initial partial filing fee of 20 percent of the greater of (a) the average monthly deposits to your account for the 6-month period immediately before the complaint was filed or (b) the average monthly balance in your account for the 6-month period immediately before the complaint was filed. The court will use the information provided on the certificate of funds and the trust account statement to determine the filing fee immediately due and will send instructions to you and the prison trust account office for payment if in forma pauperis status is granted.

After the initial partial filing fee is paid, your prison's trust account office will forward to the court each month 20 percent of the most recent month's income to your prison trust account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00) in your account, you will not be required to pay part of the filing fee that month.

If your application to proceed in forma pauperis is granted, you will be liable for the full \$350.00 filing fee even if your civil action is dismissed. That means the court will continue to collect payments until the entire filing fee is paid. However, if you do not submit this completed application the action will be dismissed without prejudice and the filing fee will not be collected.

**B. Habeas Actions**

The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in forma pauperis you will not be required to pay any portion of this fee. If you are not granted leave to proceed in forma pauperis you must pay the fee in one payment and not in installments. If you use a habeas form to file a non-habeas civil action, you will be required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 08

PJH  
(PR)  
1118

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11 Jackie T. Rice Plaintiff,

12 vs.

13 San Jose  
14 Police Department Defendant.

CASE NO. \_\_\_\_\_

**PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

15  
16 I, Jackie Rice, declare, under penalty of perjury that I am the  
17 plaintiff in the above entitled case and that the information I offer throughout this application  
18 is true and correct. I offer this application in support of my request to proceed without being  
19 required to prepay the full amount of fees, costs or give security. I state that because of my  
20 poverty I am unable to pay the costs of this action or give security, and that I believe that I am  
21 entitled to relief.

22 In support of this application, I provide the following information:

23 1. Are you presently employed? Yes \_\_\_ No X

24 If your answer is "yes," state both your gross and net salary or wages per month, and give the  
25 name and address of your employer:

26 Gross: Ø Net: Ø

27 Employer: n/a

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 WUOTECH  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

- 9 a. Business, Profession or Yes \_\_\_ No ☒  
 10 self employment  
 11 b. Income from stocks, bonds, Yes \_\_\_ No ☒  
 12 or royalties?  
 13 c. Rent payments? Yes \_\_\_ No ☒  
 14 d. Pensions, annuities, or Yes \_\_\_ No ☒  
 15 life insurance payments?  
 16 e. Federal or State welfare payments, Yes \_\_\_ No ☒  
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 no  
 22 \_\_\_\_\_

23 3. Are you married? Yes \_\_\_ No ☒

24 Spouse's Full Name: \_\_\_\_\_

25 Spouse's Place of Employment: \_\_\_\_\_

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ 0 Net \$ 0

28 4. a. List amount you contribute to your spouse's support: \$ 0



b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

N/A

5. Do you own or are you buying a home? Yes \_\_\_ No ☒

Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

6. Do you own an automobile? Yes \_\_\_ No ☒

Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

Is it financed? Yes \_\_\_ No \_\_\_ If so, Total due: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

7. Do you have a bank account? Yes \_\_\_ No ☒ (Do not include account numbers.)

Name(s) and address(es) of bank: \_\_\_\_\_

Present balance(s): \$ \_\_\_\_\_

Do you own any cash? Yes \_\_\_ No ☒ Amount: \$ \_\_\_\_\_

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes \_\_\_ No ☒

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>

1 9. Do you have any other debts? (List current obligations, indicating amounts and to  
2 whom they are payable. Do not include account numbers.)

3 Wetech - mod. loans

4  
5 10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes      No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed.

9 N/A

10  
11 I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.

15  
16 3-20-08

17 DATE

[Signature]

SIGNATURE OF APPLICANT